

## Message Text

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ACTION VO-03

INFO OCT-01 NEA-06 ISO-00 SCCT-01 IO-10 L-02 SY-04 AF-04

CIAE-00 FBIE-00 INSE-00 NSAE-00 USSS-00 SCA-01 JUSE-00

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R 220845Z DEC 74

FM AMEMBASSY AMMAN

TO SECSTATE WASHDC 3312

INFO AMEMBASSY ABU DHABI

AMEMBASSY ALGIERS

AMEMBASSY CAIRO

AMEMBASSY BEIRUT

AMEMBASSY DAMASCUS

AMEMBASSY JIDDA

AMEMBASSY KUWAIT

AMEMBASSY MANAMA

AMEMBASSY MUSCAT

AMEMBASSY RABAT

AMEMBASSY SANAA

AMEMBASSY TRIPOLI

AMCONSUL JERUSALEM

AMEMBASSY DOHA

AMEMBASSY TEL AVIV

C O N F I D E N T I A L AMMAN 7596

BEIRUT PASS BAGHDAD

E.O. 11652: GDS

TAGS: CVIS, PFOR, UN

SUBJ: VISA INELIGIBILITY: PALESTINE LIBERATION ORGANIZATION

REF: STATE 272384

1. EMBASSY HAS REVIEWED JUSTIFICATION AND IMPLICATIONS OF REFTEL  
WHICH FORWARDED INS DETERMINATION THAT PAST AND PRESENT MEMBERS  
AND AFFILIATES OF PALESTINIAN LIBERATION ORGANIZATION AND ASSOC-  
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IATED FEDAYEEN ORGANIZATIONS ARE INELIGIBLE FOR VISAS UNDER

SECTION 212(A) (28) (F) IF INA. ABOVE CITED SECTION READS: "ALIENS WHO ADVOCATE OR TEACH OR WHO ARE MEMBERS OF OR AFFILIATED WITH ANY ORGANIZATION THAT ADVOCATES OR TEACHES (1) THE OVERTHROW BY FORCE, VIOLENCE, OR OTHER CONSTITUTIONAL MEANS OF THE GOVERNMENT OF THE UNITED STATES OR OF ALL FORMS OF LAW; OR (2) THE DUTY, NECESSITY, OR PROPRIETY OF THE UNLAWFUL ASSULTING OR KILLING OF ANY OFFICER OR OFFICERS (EITHER OF SPECIFIC INDIVIDUALS OR OF OFFICERS GENERALLY) OF THE GOVERNMENT OF THE UNITED STATES OR OF ANY OTHER ORGANIZED GOVERNMENT, BECAUSE OF HIS OR THEIR OFFICIAL CHARACTER; OR (3) THE UNLAWFUL DAMAGE, INJURY, OR DESTRUCTION OF PROPERTY; OR (4) SABOTAGE."

2. ALTHOUGH FULL IMPLICATIONS OF INS DETERMINATION NOT YET CLEAR, EMBASSY WOULD LIKE TO MAKE FOLLOWING PRELIMINARY COMMENTS, BECAUSE WE SEE SEVERAL PROBLEMS ASSOCIATED WITH IT. WE ASSUME THAT ABOVE-CITED SECTION 212 INELIGIBILITY OF PAST AND PRESENT PLO MEMBERS IS BASED ON CHARACTERIZATION OF PLO SINCE ITS CREATION, AND OF AFFILIATES, AS TERRORIST ORGANIZATIONS (E.G. ENGAGING IN ASSASSINATION, SABOTAGE) AND ADVOCATING SUCH POLICIES GENERALLY. WE ARE TROUBLED THAT SUCH AN INTERPRETATION IS FAR TOO SWEEPING INSOFAR AS IT REFERS SPECIFICALLY TO PLO MEMBERSHIP (AS CONSIDERED APART FROM ITS MEMBER BODIES AND ORGANIZATIONS) PARTICULARLY WITH RESPECT TO PAST MEMBERSHIP. DEPARTMENT IS AWARE THAT PLO WAS ORIGINALLY CONSTITUTED IN JUNE 1964 THROUGH CONVENING OF A PALESTINIAN NATIONAL COUNCIL (WHICH WAS ACTUALLY HELD UNDER PATRONAGE OF KING HUSSEIN) WITH ATTENDANCE OF SEVERAL HUNDRED POPULARLY ELECTED AND IN MANY CASES DISTINGUISHED DELEGATES REPRESENTING PALESTINIAN COMMUNITY IN VARIOUS ARAB STATES. IN ITS EARLY DAYS, CERTAINLY AT LEAST UNTIL AFTER FATAH CAPTURED PLO LEADERSHIP IN 1968, WE DOUBT THAT MEMBERSHIP IN THE PLO AS SUCH COULD HAVE BEEN CHARACTERIZED AS ADVOCATING OR ENGAGING IN ACTS OF TERRORISM. WE ALSO RECALL THAT DEPARTMENT'S JUDGEMENT IN 1969 WAS THAT MEMBERSHIP EVEN IN FATAH WAS NOT CONSIDERED GROUNDS FOR VISA INELIGIBILITY, SINCE THERE WAS DOUBT AS TO TERRORIST CHARACTERIZATION OF ITS ACTIVITIES OR ADVOCACIES. WE THEREFORE QUESTION HOW, ON THE BASIS OF ACTUAL FACTS INS CAN NOW MAKE SUCH A SWEEPING EX POST FACTO INTERPRETATION.

3. AS A PRACTICAL MATTER, WE ARE CONCERNED THAT MANY PROMINENT JORDANIANS OF PALESTINIAN ORIGIN WHO WERE MEMBERS OF SOME OF ITS

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ORGANS IN ITS EARLY DAYS (E.G. PALESTINE NATIONAL COUNCIL) WOULD BE AUTOMATICALLY EXCLUDABLE UNDER CURRENT INS DETERMINATION AND THEREBY BE SUBJECT TO COSTLY, TIME-CONSUMING AND EMBARRASSING SEARCH PROCESSES. EVEN JORDANIAN GOVERNMENT, WHICH HAS MUCH MORE TO FEAR FROM TERRORIST ACTIVITIES THAN OURSELVES, DOES NOT MAKE SUCH A SWEEPING INTERPRETATION AGAINST PLO MEMBERSHIP. FIRST, GOJ HAS VIRTUALLY NO RECORD IN INVESTIGATIVE FILES OF EARLY MEMBERSHIP IN POPULAR PLO MOVEMENT SINCE PLO

AT THAT TIME WAS NOT CONSIDERED A THREAT TO JORDAN. SECONDLY, EVEN WHERE THERE IS EVIDENCE OF PREVIOUS MEMBERSHIP IN A FEDAYEEN ORGAIZATION, THE INDIVIDUAL CAN OBTAIN A GOOD CONDUCT CERTIFICATE IF HE SATISFIES GOJ HE IS "REHABILITATED".

4. EMBASSY BELIEVES PRESENT INS DETERMINATION CAN HAVE ADVERSE FOREIGN POLICY EFFECTS. ITS SWEEPING AND RETROACTIVE CHARACTER WILL CERTAINLY BE HIGHLY QUESTIONABLE AND OFFENSIVE TO KNOWLEDGEABLE ARABS. FURTHERMORE, PROCESS OF ADMINISTERING DETERMINATION IF NOT HANDLED WITH EXTREME CARE, THREATENS TO BE AN IRRITANT TO MANY PROMINENT, LAW-ABIDING AND NON-TERRORIST PERSONS AMONG THE NEARLY 3 MILLION PALESTINIANS IN THE ARAB WORLD, WHICH INCLUDES ALMOST 1 MILLION PALESTINIAN RESIDENTS OF EAST BANK OF JORDAN. NOTE REFTEL'S REFERENCE TO REFERRALS TO WASHINGTON FOR SECURITY ADVISORY OPINION TO REQUIREMENT FOR "IN-DEPTH" INTERVIEW FOR APPLICANT ASSOCIATED WITH PLO AND AFFILIATE.)

5. BOULDER OPERATION IS ALREADY AN IRRITANT, BUT IT AT LEAST HAS THE UNDERSTANDABLE JUSTIFICATION OF PROTECTION AGAINST ACTIVE ACTS OF TERRORISM. PRACTICAL EFFECT OF NEW INS DETERMINATION ON TOP OF BOULDER PROCESS, SEEMS QUESTIONABLE. THE INS DETERMINATION WILL BE WIDELY CONSTRUED AS DISCRIMINATORY AGAINST PALESTINIANS IN GENERAL. EFFECT ON JORDANIAN COMMUNITY OF THIS RECENT INS DETERMINATION CANNOT BE FULLY PREDICTED, BUT IT WILL UNDOUBETDLY BE NEGATIVE AND COULD COMPLICATE AN ALREADY DELICATE ISSUE OF USG HANDLING OF THE PALESTINIAN ISSUES IN CONTEXT CURRENT MIDEAST SITUATION.

6. IN CONCLUSION, EMBASSY BELIEVES POSSIBLE ADVERSE EFFECTS OF INS DETERMINATION ON US ON FOREIGN POLICY OBJECTIVES IN JORDAN AND PROBABLY ELSEWHERE IN MIDDLE EAST - NOT OFFSET AS THEY MIGHT BE BY ANY ADDITIONAL ADVANTAGES TO US OF PRACTICAL NATURE - ARE SUFFICIENTLY SERIOUS TO MERIT FURTHER REVIEW BY DEPARTMENT AND CONFIDENTIAL

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INS. FINALLY SHOULD THE OUTCOME OF THE REVIEW CONCLUDE THAT INS POSITION OR SOMETHING LIKE IT BE SUSTAINED, WE WOULD HOPE THAT ADMINISTRATIVE INSTRUCTIONS CAN SHOW SOME SENSE OF DISCRIMINATION AS TO VARIOUS TYPES OF AFFILIATION TO PLO AND ITS CONSTITUENT ORGANIZATIONS BY INDIVIDUALS OVER THE YEARS AND THAT INSTRUCTIONS CAN BE FRAMED TO MINIMIZE EMBARRASSMENT AND COMPLICATIONS TO USG IN ADMINISTERING INS DETERMINATION. PICKERING

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